

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HAMZA GIBSON,

Petitioner,

Civil No. 2:12-CV-15650
HONORABLE GEORGE CARAM STEEH

v.

KENNETH ROMANOWSKI,

Respondent,

/

**ORDER REQUIRING RESPONDENT TO SERVE A COMPLETE ANSWER ON
PETITIONER AND GRANTING PETITIONER AN EXTENSION OF TIME TO
FILE A TRAVERSE OR REPLY BRIEF TO THE RESPONDENT'S ANSWER**

Hamza Gibson, ("Petitioner"), presently confined at the Chippewa Correctional Facility in Kincheloe, Michigan, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent was ordered to file an answer. On March 23, 2015, respondent filed an answer to the petition and sent a copy to petitioner.

Petitioner has sent a letter to this Court, indicating that the copy of the answer that he received from respondent contained only the odd numbered pages. Petitioner has also provided the Court with a copy of the answer that he claims he received from respondent, which only includes odd numbered pages. Petitioner asks this Court to order respondent to provide a complete copy of the answer to petitioner. Petitioner also asks for an extension of time to file a reply to

the respondent's answer once he receives a complete copy.

A state is procedurally required under the general rules of Federal Civil Procedure to serve a habeas petitioner with its answer to a petition for habeas corpus. See *Rodriguez v. Florida Dep't of Corr.*, 748 F.3d 1073, 1076 (11th Cir. 2014); cert. denied, 135 S. Ct. 1170 (2015). Because the answer received by petitioner was purportedly incomplete, the Court orders respondent to provide a complete copy of the answer to petitioner within twenty one days of the Court's order.

The Court will give petitioner sixty days from the date that he receives a complete copy of the answer to file a reply brief. Rule 5(e) of the Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254 states that a habeas petitioner "may submit a reply to the respondent's answer or other pleading within a time fixed by the judge." See *Baysdell v. Howes*, 2005 WL 1838443, * 4 (E.D. Mich. August 1, 2005).

IT IS HEREBY ORDERED that respondent shall provide a complete copy of the answer to petitioner within **twenty one (21) days** of the Court's order.

IT IS FURTHER ORDERED That Petitioner shall have **sixty (60) days** from the date of the receipt of the full copy of the answer to file a traverse or reply brief.

Dated: April 2, 2015

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 2, 2015, by electronic and/or ordinary mail and also on Hamza Gibson #529234, Chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784.

s/Barbara Radke
Deputy Clerk